

EXHIBIT 2

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APR 07 2008

7 Attorneys for Defendants
8 HSBC MORTGAGE CORPORATION (USA) AND
9 HSBC BANK USA, N.A.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 Philip Wong, Frederic Chaussy, and Leslie
14 Marie Shearn, individually, on behalf of all
others similarly situated, and on behalf of
the general public,

15 Plaintiffs,

16 v.

17 HSBC Mortgage Corporation (USA);
18 HSBC Bank USA, N.A.; and DOES 1
through 50, inclusive,

19 Defendants.
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Case No. C 07 2446 MMC [ECF]

**DEFENDANT HSBC MORTGAGE
CORPORATION (USA)'S REQUEST FOR
PRODUCTION OF DOCUMENTS TO
PLAINTIFF PHILIP WONG (SET 2)**

1 PROPOUNDING PARTY: Defendant HSBC MORTGAGE CORPORATION (USA)

2 RESPONDING PARTY: Plaintiff PHILIP WONG

3 SET NUMBER: Two (2)

4 TO: PLAINTIFF AND HIS ATTORNEYS OF RECORD

5 Defendant HSBC MORTGAGE CORPORATION (USA) ("HMCU") hereby requests,
6 pursuant to Federal Rule of Civil Procedure 34, that you produce and permit inspection and copying
7 of the documents described below. The inspection shall be at the offices of Littler Mendelson, A
8 Professional Corporation, 650 California St., 20th Floor, San Francisco, California, 94108, within 30
9 days of service of this request and continuing as long as reasonably required.

10 DEFINITIONS

11 A. "HMCU" shall refer to Defendant HSBC Mortgage Corporation (USA).

12 B. "HBUS" shall refer to Defendant HSBC Bank USA, N.A.

13 C. "Plaintiff," "You" or "Your" refers to Plaintiff Philip Wong and/or his attorneys,
14 agents, and all persons acting under his direction or control or on his behalf.

15 D. "First Amended Complaint" shall refer to the First Amended Complaint filed in the
16 case, Philip Wong, Frederic Chaussy, and Leslie Marie Shearn v. HSBC Mortgage Corporation
17 (USA) and HSBC Bank USA, N.A., United States District Court for the Northern District of
18 California Case No. C 07 2446 MMC [ECF].

19 E. "Class Members" shall refer to the class(es) of employees defined by Plaintiff in the
20 First Amended Complaint.

21 F. "Collective Class" shall refer to the class(es) of employees defined by Plaintiff in the
22 First Amended Complaint.

23 G. Whenever it is necessary to bring within the scope of this document request
24 (hereinafter the "Request") documents that might otherwise be construed to be outside its scope:

25 1. The words "and" and "or" shall be construed both disjunctively and
26 conjunctively;

27 2. The words "any" and "all" shall be construed to mean "any and all";

28 3. The singular shall include the plural, and vice versa;

4. The words "include(s)" and "including" shall be construed to mean without limitation"; and

5. Any feminine pronoun shall be deemed to include the masculine or the neuter, and vice versa, as may be appropriate.

H. The terms "documents" and "writings" are synonymous and are defined as follows:

1. Each includes "writings" as defined in Federal Rules of Evidence 1001;

2. Each includes all written or graphic matter, however produced or reproduced, of any nature whatsoever within the possession, custody or control of Plaintiff, including, but not limited to, all written, typed, printed, microfilmed, and photostatic matter, copies of all kinds, regardless of origin, including all correspondence, contracts, agreements, memoranda, reports, financial reports and statements, checks, notes, letters, trade letters, marginal notations, telegrams, messages (including tape recordings, reports from telephone conversations and conferences), calendars, electronic mail, analyses, comparisons, demands, data, schedules, recordings, papers, data sheets, publications, books, magazines, newspapers, booklets, circulars, brochures, bulletins, notices, instructions, drafts, notebooks, diaries, sketches, diagrams, forms, manuals, lists, minutes, and other communications including inter-office and intra-office communications, surveys, photographs, drawings, charts, notes of meetings, conversations, records of conversations, records, work papers, balance sheets, profit and loss statements, statements of earnings, checks, statements of net worth, statements of operation, auditor reports, financial reports and summaries, statements of lists of assets, agreements, contracts, expense records, opinions, legal opinions, expert opinions, accounts payable ledgers, accounts receivable ledgers, appraisals, audit work papers, minutes of meetings, consultations, performance evaluations, warnings, disciplinary actions, recorded or photographic matter or sound reproductions, including video and audio tapes, however produced or reproduced, and any other such materials, whether executed or unexecuted, and any municipal, county, state, federal or other governmental ordinances, laws, or statutes.

I. The term "possession, custody or control" is defined as follows: A document is deemed to be in Plaintiff's possession, custody or control if it is in his physical custody, or if it is in the physical custody of any other person and he: (a) owns such document in whole or in part; (b) has

1 a right by contract, statute or otherwise to use, inspect, examine or copy such document on any
2 terms; (c) has an understanding, express or implied, that he may use, inspect, examine or copy such
3 document on any terms; or (d) has, as a practical matter, been able to use, inspect, examine or copy
4 such document when he has sought to do so. Such documents shall include without limitation
5 documents that are in the custody of Plaintiff's attorney(s) or other agents.

6 INSTRUCTIONS

7 A. This demand requires that you identify and produce all writings responsive to any of
8 the following numbered requests which are in your possession, custody or control or subject to your
9 control, wherever they may be located. The writings which you must identify and produce include
10 not only writings which you presently possess, but also writings which are in the possession or
11 control of your attorneys, accountants, bookkeepers, employees, representatives, or anyone else
12 acting on your behalf.

13 B. You are requested to produce all writings which are responsive to any of the
14 following numbered demands for inspection and photocopying at the law offices of Littler
15 Mendelson, 650 California Street, 20th Floor, San Francisco, California 94108 at 10:00 a.m. on or
16 before the thirtieth day following the date of service of this demand (or the next business day if that
17 day falls on a Saturday, Sunday or court holiday), unless true, legible copies of said documents are
18 mailed for receipt at that law office by the time stated, together with a signed statement indicating
19 that the original of the documents may be inspected by counsel for HMCU upon reasonable request.

20 C. In addition to producing all writings which are responsive to any of the following
21 numbered demands, you are also requested to identify with specificity each writing which is
22 responsive to any of the following numbered demands and indicate which writings are responsive to
23 each numbered demand.

24 D. All documents which are responsive in whole or in part to any of the following
25 numbered demands shall be produced in full, without abridgment, abbreviation or expurgation of
26 any sort. If any such writings cannot be produced in full, produce the writing to the greatest extent
27 possible and indicate in your written response what portion of the document is not produced and why
28 it could not be produced.

1 E. You are required to produce not only the original or an exact copy of the original of
 2 all writings responsive to any of the following numbered demands, but also all copies of such
 3 writings which bear any notes or markings not found on the originals and all preliminary,
 4 intermediate, final and revised drafts of said writings.

5 F. It is not intended that this demand require production of any writings which are
 6 privileged. If you are not producing any writing responsive to any of the numbered demands below
 7 on the basis of a claimed privilege, or for any other reason, state the following information:

- 8 1. the type of document;
- 9 2. its date;
- 10 3. the name, business address and present position of its originator(s) or
 11 author(s);
- 12 4. the position to its originator(s) or author(s) at the time the document was
 13 prepared;
- 14 5. the names, business addresses and present position of each recipient of the
 15 document;
- 16 6. the position of each recipient at the time the document was prepared, and the
 17 time it was received;
- 18 7. a general description of the subject matter of the document;
- 19 8. the basis of any claim of privilege; and
- 20 9. if work-product immunity is asserted, the proceeding for which the document
 21 was prepared.

22 G. Unless otherwise specified, these Requests for Production of Documents require you
 23 to provide a response and produce documents covering the entire period of your employment by
 24 HMCU, including from the date of your hire through the date that you are required to provide
 25 responses to these Requests for Production of Documents and continuing so as to require further and
 26 supplemental production by Plaintiff.

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REQUESTS FOR PRODUCTION**REQUEST FOR PRODUCTION NO. 56:**

All documents which relate to, refer to, show, or reflect communications, oral or written, including, without limitation, electronic mail correspondence, letters, and memoranda, between Plaintiff and any attorney, employee or agent of Nichols Kaster & Anderson.

REQUEST FOR PRODUCTION NO. 57:

All documents, including, without limitation, electronic mail correspondence, letters, and memoranda, wherein Plaintiff has forwarded communications between himself and any attorney, employee or agent of Nichols Kaster & Anderson to other individuals prior to the individual's representation, if any, by Nichols Kaster & Anderson in Philip Wong, Frederic Chaussy, and Leslie Marie Shearn v. HSBC Mortgage Corporation (USA) and HSBC Bank USA, N.A., United States District Court for the Northern District of California Case No. C 07 2446 MMC [ECF].

REQUEST FOR PRODUCTION NO. 58:

All documents, including, without limitation, electronic mail correspondence, letters, and memoranda, wherein Plaintiff describes, summarizes or relates communications between himself and any attorney, employee, or agent of Nichols Kaster & Anderson to other individuals prior to the individual's representation, if any, by Nichols Kaster & Anderson in Philip Wong, Frederic Chaussy, and Leslie Marie Shearn v. HSBC Mortgage Corporation (USA) and HSBC Bank USA, N.A., United States District Court for the Northern District of California Case No. C 07 2446 MMC [ECF].

Dated: April 7, 2008

Respectfully submitted,



MICHELLE R. BARRETT
 GEORGE J. TICHY II
 KIMBERLY L. OWENS
 JUSTIN T. CURLEY
 LITTLER MENDELSON
 A Professional Corporation
 Attorneys for Defendants
 HSBC MORTGAGE CORPORATION (USA)
 and HSBC BANK USA, N.A.

Firmwide: 84748546.1 023404.1043

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 650 California Street, 20th Floor, San Francisco, California 94108. On April 7, 2008, I served the within document(s):

**1. DEFENDANT HSBC MORTGAGE CORPORATION (USA)'S
REQUEST FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF
PHILIP WONG (SET 2)**

- ☐ by facsimile transmission on that date. This document was transmitted by using a facsimile machine that complies with California Rules of Court Rule 2003(3), telephone number 415.399.8490. The transmission was reported as complete and without error. The names and facsimile numbers of the person(s) served are as set forth below.
- ☐ by placing a true copy of the document(s) listed above for collection and mailing following the firm's ordinary business practice in a sealed envelope with postage thereon fully prepaid for deposit in the United States mail at San Francisco, California addressed as set forth below.
- ☐ by depositing a true copy of the same enclosed in a sealed envelope, with delivery fees provided for, in an overnight delivery service pick up box or office designated for overnight delivery, and addressed as set forth below.
- ☒ by personally delivering a copy of the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by e-mailing a copy of the document(s) to all parties in this matter in the ordinary course of business on the date indicated herein at the address set forth below.

Bryan J. Schwartz, Esq.
Nichols Kaster & Anderson, LLP-
One Embarcadero Center, Suite 720
San Francisco, CA 94111
schwartz@nka.com

I am readily familiar with the firm's practice of collection and processing correspondence for mailing and for shipping via overnight delivery service. Under that practice it would be deposited with the U.S. Postal Service or if an overnight delivery service shipment, deposited in an overnight delivery service pick-up box or office on the same day with postage or fees thereon fully prepaid in the ordinary course of business.

1 I declare under penalty of perjury under the laws of the State of California that the
2 above is true and correct. Executed on April 7, 2008, at San Francisco, California.

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4 TERESA L. MAGEE

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